
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TERRY ELIZABETH SILVA,	§	<u>Civil Action</u>
<i>Plaintiff,</i>	§	
VS.	§	02-3579
	§	
MID ATLANTIC MANAGEMENT CORPORATION,	§	
CANTERBURY WOODS HOMEOWNERS ASSOC.,	§	
FORBES, BENDER, PAOLINO & DiSANTI, AND	§	
ALEXANDER D. DiSANTI, ESQ.	§	
<i>Defendants.</i>	§	

Plaintiff's MOTION TO COMPEL DEFENDANT'S PRODUCTION OF DOCUMENTS

Plaintiff, Terry Elizabeth Silva, hereby moves this Court for an order compelling Defendant's to answer certain unanswered discovery. In support of the motion, Plaintiff avers as follows:

1. As ordered by the Court, the deposition of Plaintiff Terry Elizabeth Silva was conducted earlier this summer.

2. During the deposition, the parties discussed resolving certain unanswered discovery on both sides.¹

3. As a result of those discussions on the records, Defendants' counsel agreed to produce for Plaintiff the following documents: 1) the copy of Plaintiff's file at Defendant Mid-Atlantic; 2) copies of all resolutions adopted by Canterbury Woods;

1. Plaintiff promised to provide Defendant an amended answer to Defendant's Interrogatory regarding documents which Plaintiff communicated with Defendant Canterbury Woods or made some form of protest. Those documents were recently produced for defense counsel.

and 3) copy of a form letter produced by Debbie Madden, a witness who testified at deposition of a letter used by her assistant, Kelly O'Donnell.

4. Defendants refused to produce the following outstanding document requests:

- a. document request 10 (copies of correspondence and files from Mid-Atlantic or Canterbury for the last six years in which either attempted to collect overdue assessments from owners property in the developments;
- b. document request 14 (copies of legal bills incurred by Canterbury or Mid-Atlantic for lawsuits to collect overdue fees owed by owners of real property in the Canterbury Woods townhouse development. These bills may be redacted for the identity of the owner; and
- c. document request 18 (copies of all records of Canterbury and Mid-Atlantic regarding or including the Canterbury Woods development for the last six years concerning reports, motions, votes, discussions, minutes, or other records pertaining to collection of homeowners fees, penalties, interest, late fees, legal charges or the like.

5. Defendants' witnesses testified in June 2003 the following documents exist and can be produced in accordance with Plaintiff counsel's request:

- a. Debra Madden:
 - 1) Any and all resolutions, including resolution no. 4.; and
 - 2) the form letter Debra Madden sends out to homeowners, marked as D-4 at deposition.
- b. Alexander DiSanti: Letter dated December 22, 2000, identified by Bender as Exhibit C to the motion for summary judgment.
- c. Gail VanDyke:
 - 1) The one-year contract between Mid-Atlantic and Canterbury that's renewable for probably two years.

- 2) Assessment change form that is completed by the community manager or the administrator at the manager's request; and
- 3) Owner information form for Terry Silva.

6. Plaintiff's counsel has attempted to obtain documents from Defendant, without success.

7. The files and materials requested are relevant and necessary to prepare the case.

WHEREFORE, Plaintiff prays this Honorable Court compel Defendants to provide the discovery set forth in the motion and issue judgment in Plaintiff's favor.

Respectfully submitted,

Kenneth J. Benton
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Philadelphia, PA 19102
Attorney for Plaintiff

Dated: October 3, 2003